IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 2589 of 2007(G)

PETITIONER:

ANOOP, S/O. UDAYABHANU,
DEVI NIVAS, ATHIRUNGAL MURIYIL,
KOODAL VILLAGE, ADOOR TALUK.

BY SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS:

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1. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
PATHANAMTHITTA.

2. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
ADOOR.

BY ADV. SHRI.K.HARILAL, SC
ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 2589/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE IN FORM 10 OF THE REVENUE RECOVERY ACT FOR ATTACHEMNT OF IMMOVABLE PROPERTY.

P2 : COPY OF THE NOTICE IN FORM 1 UNDER SECTION 7 OF THE REVENUE RECOVERY ACT FOR ATTACHEMNT OF IMMOVABLE PROPERTY.

RESPONDENT'S EXHIBITS

R1(a) : COPY OF THE NOTICE NO.E.P. 456/DN/2004-2005 DATED 29/10/2004 ISSUED BY THE 1ST RESPONDENT.

R1(b) : COPY OF THE ACKNOWLEDGEMENT DUE CARD DATED 10/11/2004.

R1(c) : COPY FOT HE ENQUIRY NOTICE DATED 02/03/2005 ISSUED BY THE 1ST RESPONDENT.

R1(d) : COPY OF THE PROVISIONAL DETERMINATION ORDER DATED 04/06/2005 ISSUED BY THE 1ST RESPONDENT.

R1(e) : COPY OF THE LETTER DATED 26/07/2005 ISSUED by the 1ST RESPONDENT.

R1(f) : COPY OF THE LETTER DATED 05/08/2005 ISSUED BY THE 1ST RESPONDENT.

R1(g) : COPY OF THE ENQUIRY NOTICE DATED 30/06/2005 ISSUED by the SUPERINTENDENT OF POST OFFICE.

R1(h) : COPY OF the FINAL DETERMINATION ORDER DATED 22/08/2005 ISSUED by the 1ST RESPONDENT.

R1(i) : COPY OF THE ACKNOWLEDGEMENT CARD SIGNED BY SHRI.ANOOP.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 2589 of 2007

Dated, this the 5th day of July, 2007

J U D G M E N T

Even though petitioner is challenging final determination orders towards the recovery of contribution of Motor Transport Workers Welfare Fund, on going through the statement filed by the respondents, I do not find any ground to interfere with, more so when the demand is only for three workers as against normal five workers engaged in a stage carriage. In the circumstances, challenge against the demand is dismissed. However, petitioner is granted six equal monthly installments to clear the arrears, first of which will be paid on or before 31/07/2007 and balance on or before last date of five succeeding months. If petitioner commits default in making payment of any of the installments, the installment facility granted will stand automatically vacated on first default and respondents are free to proceed for recovering entire arrears.

This WP(C) is dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg